

REMARKS

Claims 1-15 and 18-19 are all the claims pending in the application. By this Amendment, Applicants add **claims 18-19**.

I. Overview of the Office Action

Claims 1-6 and 8-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada (U.S. Patent Application Publication No. 2002/0194317), in view of Chen (U.S. Patent Application Publication No. 2002/0018487) and McDysan (U.S. Patent No. 7,046,680).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, McDysan, and Jones (U.S. Patent Application Publication No. 2002/0176547).

II. Claim Rejections

A. Claims 1-6 and 8-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, in view of Chen and McDysan.

Terminal of claim 1

Claim 1 recites among other elements: “at said terminal, generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server.”

The Examiner appears to assert that a router of Kanada corresponds to the claimed terminal by citing paragraphs 42, 43, and 65. (*See* Office Action, page 2, #2). However, the Examiner also states that the claimed terminal is allegedly taught by the application server of Kanada. (*See* Office Action, page 7, paragraph 4).

Further, the Examiner asserts that Kanada describes generating a configuration signal by the policy server and transmitting this signal to the alleged access system (router 121, paragraphs 44, 45, 70, 153, 154). (*See* Office Action, page 2, last paragraph, page 3, paragraph 1). That is, the Examiner appears to interpret the access node 121 of Kanada as allegedly corresponding to

the claimed access system. Accordingly, based on this interpretation, the claimed “terminal” must be taught by the client.

These various interpretations of Kanada are inconsistent and ambiguous and undermine Applicants’ ability to respond. Nonetheless, to advance the prosecution, Applicants provide this rebuttal, based on the best understanding of the Examiner’s position.

Kanada describes distributing network policies to routers. The policies are changed in response to a request of a user or an application program. (Paragraphs 42-43, FIG. 1).

Accordingly, in the cited portions, Kanada describes receiving the request from a user or an application program. Such application program request may be coming from one of the clients. Accordingly, the Examiner’s interpretation regarding the application server as allegedly teaching the claimed terminal is incorrect.

Additionally, Kanada does not mention generating a service-selection-signal at either the router or the application server (alleged “terminals”) and transmitting this signal from the alleged terminal to the policy server (alleged service-selection-server).

The Examiner is respectfully requested to withdraw the rejection or clarify with specificity which element of Kanada allegedly corresponds to the claimed terminal.

Coupling-interface of claim 1

Claim 1 further recites “the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings.”

The Examiner does not provide support in the cited prior art for the claimed coupling-interface communicating with the access system by protocol couplings. Absent support, the rejection is improper.

Configuration-signal of claim 1

Claim 1 recites “at said service-selection-server ... generating a configuration-signal and transmitting said configuration-signal to said access system for configuring ... said access system and ... said protocol couplings.”

Kanada describes sending a policy to interfaces 123, 124, and/or 125 of the alleged access system (router 121). (Paragraph 39).

However, Kanada does not teach or suggest at least “transmitting said configuration-signal to said access system for configuring ... said protocol couplings.” Even though Kanada may be teaching sending policy to interfaces between the alleged access system and the client, the policy is not sent to configure the interfaces which are used for communications between the alleged access system and the coupling-interface, as claimed.

Further, the Examiner appears to rely on Chen as allegedly teaching “transmitting said configuration-signal to said access system for configuring ... said protocol couplings” by disclosing “configuring a multiple protocol mobile station by changing the configurable parameters” (paragraphs 39-40, and 44). (*See* Office Action, page 3, last paragraph).

Chen describes a virtual machine interface (VMI) to allow a programmer to configure the mobile station. The hardware of mobile device is configured to work with various communication protocols by changing values of the parameters of table 207. (Paragraphs 9 and 39-40).

Thus, Chen may be teaching changing parameters values to configure the mobile station protocol. However, Chen does not teach or suggest “transmitting said configuration-signal to said access system for configuring ... said protocol couplings,” wherein the protocol couplings are used for communications between the access system and the coupling-interface, as claimed.

Accordingly, Applicants respectfully submit that the Examiner’s proposed combination does not teach or suggest at least “the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, ... at said service-selection-server

... generating a configuration-signal and transmitting said configuration-signal to said access system for configuring ... said access system and ... said protocol couplings.”

Service-information signal of claim 1

Claim 1 further recites: “at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations..., wherein said service-information signal defines a protocol coupling to be used.”

The Examiner appears to concede that neither Kanada, nor Chen teaches “transmitting said service-information-signal.” The Examiner asserts that McDysan compensates for the deficiencies of these references. (*See* Office Action, page 7, last paragraph). The Examiner also appears to assert that Chen teaches the claimed “service-information signal defines a protocol coupling to be used.” (*See* Office Action, page 3, lines 10-11 and last paragraph).

As discussed above, **Chen** describes configuring hardware of mobile device to work with various communication protocols by changing values of the parameters of table 207. (Paragraphs 39-40). Chen does not teach or suggest “generating a service-information-signal, ... wherein said service-information signal defines a protocol coupling to be used.”

McDysan describes initiating the reservation by a customer by sending a message to PAD 40. (Col. 16, line 63 - col. 17, line 5). If the reservation service is authorized for this customer, the message is sent downstream. (Col. 17, lines 6-14). If the reservation is approved at the far end of the network, a reservation (RESV) message is returned. (Col. 17, lines 15-18). If the bandwidth requirements specified by the reservation (RESV) message are authorized for this customer, the reservation is approved. (Col. 17, lines 19-27). The reservation (RESV) message is returned to PAD 40 and to the customer. (Col. 17, lines 30-39).

Accordingly, in the cited portions, McDysan describes a RESV message containing the bandwidth requirements. To the contrary, claim 1 recites “said service-information signal defines

a protocol coupling to be used.” That is, the service-information signal informs the terminal and/or the coupling-interface which protocol coupling is to be used.

Therefore, the RESV message is not the same as or an equivalent of the service-information signal which defines a protocol coupling to be used.

Accordingly, Applicants respectfully submit that the proposed Examiner’s combination of Kanada, Chen, and McDysan does not teach or suggest at least “Method for communication between a terminal and a service providing-server or another terminal via an access system ..., wherein the terminal is coupled to a coupling-interface able to communicate with the access system by protocol couplings, said method comprising ... (a) at said terminal, generating a service-selection-signal and transmitting said service-selection-signal from said terminal to a service-selection-server, (b) at said service-selection-server ... generating a configuration-signal and transmitting said configuration-signal to said access system for configuring ... said access system and ... said protocol couplings, (c) at said service-selection-server, generating a service-information-signal and transmitting said service-information-signal to said terminal and/or said coupling-interface to inform about the configurations made in ... the access system and in ... the protocol couplings, wherein said service-information signal defines a protocol coupling to be used.”

It is, therefore, respectfully submitted that **claim 1 and dependent claims 2-6** are patentable over Kanada, Chen, and McDysan.

Claims 8-15

Claims 8-15 each recites features similar to those recited in claim 1. Accordingly, **claims 8-15** are patentable at least for the reasons similar to those discussed above regarding claim 1.

Additionally, the Examiner does not address the explicitly recited features of independent **claims 8-15**.

For example, **claim 8** recites among other elements: “Access system ...comprising: (a) a receiving processor-system-part that receives a configuration-signal ... (b) a configuring processor-system-part that ... configures ... said access system and ... said protocol couplings, and (c) a generating/forwarding processor-system part for generating/forwarding a service-information-signal...”

Claim 10 recites among other elements: “Service-selection-server ... comprising: (a) a receiving processor-system-part that receives a service-selection-signal ..., (b) a configuring processor-system-part that ... generates a configuration-signal and transmits said configuration-signal ..., and (c) a generating processor-system-part that generates a service-information-signal and transmits said service-information-signal...”

Claim 12 recites among other elements: “Terminal ... comprising: (a) a selecting processor-system-part that generates a service-selection-signal and transmits said service-selection-signal ..., (c) a receiving processor-system-part that receives a service-information-signal ..., and (d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal ...”

Claim 14 recites among other elements: “Coupling-interface ... comprising: (a) a transceiving processor-system-part that receives a service-selection-signal ..., (c) a receiving processor-system-part that receives a service-information-signal ..., and (d) a communicating processor-system-part that communicates with said service-providing-server or said another terminal ...”

Under the USPTO’s policy, each claim should be reviewed for compliance with every statutory requirement for patentability. (MPEP § 707.07(g)). It is respectfully submitted that the Examiner’s failure to address the explicitly recited features of claims 8, 10, 12, and 14 constitutes a failure to expeditiously provide the information necessary to resolve issues related to patentability that prevents Applicants from presenting appropriate patentability arguments and/or rebuttal evidence. (*See* The Official Gazette Notice of November 7, 2003). Additionally,

it is submitted that the Examiner's failure needlessly encourages piecemeal prosecution. (MPEP § 707.07(g)).

Accordingly, if the Examiner maintains the rejections, Applicants respectfully request, in the interests of advancing prosecution, that the Examiner apply art against each feature of each rejected claim, on the record, and with specificity sufficient to support a *prima facie* case of obviousness.

B. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, McDysan, and Jones.

The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention as made to modify *Westfall* to include the use of packet billing system in order to bill for packets. (See Office Action, page 7, paragraph 1).

MPEP § 2143 states that the key to supporting any rejection under 35 U.S.C. § 103 is the **clear articulation** of the reason(s) why the claimed invention would have been obvious. Accordingly, the Examiner is required to provide at least some rationale to support a conclusion of obviousness.

Here, the rejection lacks a clear articulation of the reasons why the features of claim 7 would allegedly have been obvious under 35 U.S.C. § 103(a) as being unpatentable over Kanada, Chen, McDysan, and Jones.

Thus, it is respectfully submitted that the rejection is improper and must be withdrawn.

Additionally, **claim 7** is patentable at least by virtue of its dependency from claim 1 because Jones does not compensate for any deficiency of Kanada, Chen, and McDysan.

III. New Claims

By this Amendment, Applicants add new **claims 18 and 19** which are patentable at least by virtue of their dependences. No new subject matter has been entered. The support can be found in the specification, for example, on page 3, lines 7-10, and page 13, lines 19-31.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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